

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL MCGARY,

Plaintiff,

v.

KELLY CUNNINGHAM et al.,

Defendant.

CASE NO. C13-5130 RBL-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

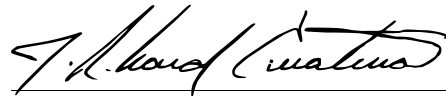
The parties have filed a stipulated motion to stay this action and suspend all deadlines (ECF No. 80). Plaintiff has been charged with the crime of sexual violent predator escape and he has been transported to the Pierce County Jail (ECF No. 83). Plaintiff requests stay of the proceedings, at least until it is determined where he will be detained pending trial (*id.*). Plaintiff notes that he will be separated from his legal materials and unable to continue with this action. Defendant's counsel is agreeable to the stay of proceedings (*id.*).

1 Having reviewed the file the Court notes that there is an appeal pending in the Ninth
2 Circuit (ECF No. 64). The Ninth Circuit has issued a briefing schedule for that appeal (ECF No.
3 74). This Court's order does not have any effect on the appeal or the Ninth Circuit's briefing
4 schedule.

5 The Court grants the stipulated motion to stay this action. The action is stayed until June
6 20, 2014. On or before June 6, 2014 plaintiff must submit a report concerning his status and
7 plaintiff must inform the Court where he is housed and if he has access to his legal files from the
8 Special Commitment Center.

9 In addition plaintiff must inform the Court within thirty days of the conclusion of his
10 criminal action in Superior Court. Failure to file a report telling the Court that plaintiff's
11 criminal case has been resolved will result in a report and recommendation that this action be
12 dismissed for failure to obey a court order.

13 Dated this 6th day of December, 2013.

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15 J. Richard Creatura
16 United States Magistrate Judge
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